IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7305 OF 2005

The State of Maharashtra .. Applicant

Vs.

Mohammed Altaf Mohammed Ismail .. Respondent

WITH

CRIMINAL APPLICATION NO.7306 OF 2005

The State of Maharashtra .. Applicant

Vs.

Dr.Abdul Mateen A.Basil .. Respondent

WITH

CRIMINAL APPLICATION NO.7307 OF 2005

The State of Maharashtra .. Applicant

Vs.

Imran Rehman Khan .. Respondent

Mr.K.V.Saste, A.P.P. for the State

Mr.M.H.Solkar for the respondent

CORAM : J.N.PATEL &
R.S.MOHITE, JJ.

DATED : 8TH JANUARY, 2007

P.C.:

1. The state has filed this application seeking cancellation of bail on the ground that the respondents have been acquitted of serious charges under Prevention of Terrorism Act by the trial court and this court having admitted the appeal against acquittal, the respondent original accused do not deserve to be released on bail.

2. Pursuant to the order passed by this court for initiating action under section 390 of Cr.P.C., the learned special Judge under the POTA 2002 ordered the release of the respondent on bail. The learned A.P.P. submits that while acquitting these respondents, the learned special Judge has not taken into consideration the confession made by them which is admissible as substantive evidence and which shows their complicity in the crime.

3. This will have to be considered on merits. On going through the order passed by the Special Judge, we find that the Special Judge was justified in ordering the release of the respondents on bail

and therefore, it does not call for any interference. No case is made out before us by the State for misuse of the bail by the respondents after they came to be released by the learned Special Judge by his order dt.12.8.05. In the circumstances, the application stands rejected.

(SHRI J.N. PATEL, J)

(SHRI R.S.MOHITE, J)